

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 569

Introduced by Senator Alarcon

February 20, 2003

An act to amend ~~Sections 1275 and 1327~~ *Section 1275* of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 569, as amended, Alarcon. Unemployment insurance: benefits: compensation.

Under existing law, unemployment compensation benefits are based on wages paid in a base period that is calculated according to the month within which the benefit year begins.

This bill would, as specified, set forth the base period for any new claim filed on and after January 1, 2004, for an individual who has not been paid sufficient wages to establish a benefit year.

~~The bill would require the Department of Employment Development to request wage information with regard to these new claims, and would assess a penalty of \$250 on an employer who fails to provide this information within 10 days from the requested date.~~

This bill would, for any new claim filed on or after January 1, 2004, for which a valid claim or benefit year cannot be established under the currently defined base period establish an alternative definition of base period, as provided.

Because this provision would increase the amount of unemployment compensation paid, it would increase the amount payable from the Unemployment Fund, a continuously appropriated special fund, and thereby would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1275 of the Unemployment Insurance
2 Code is amended to read:
3 1275. (a) Unemployment compensation benefit award
4 computations shall be based on wages paid in the base period.
5 “Base period” means: for benefit years beginning in October,
6 November, or December, the four calendar quarters ended in the
7 next preceding month of June; for benefit years beginning in
8 January, February, or March, the four calendar quarters ended in
9 the next preceding month of September; for benefit years
10 beginning in April, May, or June, the four calendar quarters ended
11 in the next preceding month of December; for benefit years
12 beginning in July, August, or September, the four calendar
13 quarters ended with the next preceding month of March. Wages
14 used in the determination of benefits payable to an individual
15 during any benefit year may not be used in determining that
16 individual’s benefits in any subsequent benefit year.
17 (b) For any new claim filed with an effective date on or after
18 January 1, 2004, if an individual has not been paid sufficient wages
19 in the first four of the last five completed calendar quarters to
20 entitle the individual to establish a benefit year, then “base period”
21 ~~means the most recent 52 weeks before the first day of the~~
22 ~~individual’s benefit year as defined in Section 1276. Each quarter~~
23 ~~of this base period shall consist of four consecutive 13-week~~
24 ~~periods~~ period” means for benefit years beginning in October,
25 November, or December, the four calendar quarters ended in the
26 prior preceding month of September; for benefit years beginning
27 in January, February, or March, the four calendar quarters ended
28 in the prior preceding month of December; for benefit years
29 beginning in April, May, or June, the four calendar quarters ended
30 in the prior preceding month of March; for benefit years beginning
31 in July, August, or September, the four calendar quarters ended in
32 the prior preceding month of June. As provided in Section 1280,
33 the quarter with the highest wages shall be used to determine the
34 individual’s weekly benefit amount.

1 ~~SEC. 2.—Section 1327 of the Unemployment Insurance Code~~
2 ~~is amended to read:~~

3 ~~1327.—(a) The department shall give a notice of the filing of~~
4 ~~a new or additional claim to the employing unit by which the~~
5 ~~claimant was last employed immediately preceding the filing of~~
6 ~~the claim unless the additional claim is the result of the filing of~~
7 ~~a partial claim as defined by the department, there has not been a~~
8 ~~subsequent employing unit which is designated as the last~~
9 ~~employer, and there is no separation issue. The employing unit so~~
10 ~~notified shall submit within 10 days after the mailing of the notice~~
11 ~~any facts then known that may affect the claimant's eligibility for~~
12 ~~benefits, including, but not limited to, facts pertaining to eligibility~~
13 ~~under Section 1256. The 10-day period may be extended for good~~
14 ~~cause. If after the 10-day period the employing unit acquires~~
15 ~~knowledge of facts that may affect the eligibility of the claimant~~
16 ~~and facts could not reasonably have been known within the period,~~
17 ~~the employing unit shall, within 10 days of acquiring the~~
18 ~~knowledge, submit the facts to the department, and the 10-day~~
19 ~~period may also be extended for good cause.~~

20 ~~(b) Upon the filing of a new claim for benefits by an individual~~
21 ~~entitled under subdivision (b) of Section 1275 to establish a claim~~
22 ~~using a base period of the most recent 52 weeks before the first day~~
23 ~~of the individual's benefit year, the department shall request wage~~
24 ~~information covering the quarters described in subdivision (b) of~~
25 ~~Section 1275. The wage information so obtained shall be used by~~
26 ~~the department to promptly make a computation on the claim as~~
27 ~~provided in Section 1329. If an employer fails to provide wage~~
28 ~~information to the department within 10 days from the requested~~
29 ~~date, the employer shall be assessed a penalty of two hundred fifty~~
30 ~~dollars (\$250). This article, Article 9 (commencing with Section~~
31 ~~1176) of Chapter 4, with respect to refunds, and Chapter 7~~
32 ~~(commencing with Section 1701), with respect to collections,~~
33 ~~apply to the assessments provided by this section. Penalties~~
34 ~~collected under this section shall be deposited in the Contingent~~
35 ~~Fund.~~